

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America

v.

Billy Ray Crawford, Jr.

Criminal No. 4:05-cr-00470-TLW

Order

This matter is before the Court on inmate Billy Ray Crawford's *pro se* motion for compassionate release, ECF No. 302. The motion states that Crawford is requesting to serve the remainder of his sentence on home confinement due to the spread of COVID-19 at his facility. *Id.* at 2.

Generally, a court “may not modify a term of imprisonment once it has been imposed.” 18 U.S.C. § 3582. However, a court may reduce a defendant's sentence pursuant to § 3582(c)(1)(A)(i), subject to exhaustion of administrative remedies. A defendant may bring a motion for compassionate release pursuant to § 3582(c)(1)(A) only “after [(1)] the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or [(2)] the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier” 18 U.S.C. § 3582(c)(1)(A). To satisfy § 3582(c)(1)(A)'s exhaustion requirement, incarcerated persons must first ask the BOP to file a motion for compassionate release on their behalf, and then, either (1) appeal the BOP's failure to bring a motion on their behalf, or (2) allow 30 days to lapse after making the request, whichever comes first. 18 U.S.C. § 3582(c)(1)(A).

United States v. Kibble, 992 F.3d 326, 330 (4th Cir.), cert. denied, 142 S. Ct. 383, 211 L. Ed. 2d 204 (2021).

This statute requires an inmate to exhaust administrative remedies prior to seeking relief in this Court. *See Ross v. Blake*, 136 S. Ct. 1850, 1857 (2016) (finding that “mandatory exhaustion statutes . . . establish mandatory exhaustion regimes, foreclosing judicial discretion”); *United States v. Monzon*, No. 99cr157 (DLC), 2020 WL 550220, at *2 (S.D.N.Y. Feb. 4, 2020) (denying motion for reduction of sentence because the defendant failed to exhaust his administrative remedies).

Here, inmate Crawford does not allege that he exhausted his administrative remedies, nor does he provide documentation demonstrating that he has complied with the administrative requirement. Therefore, the Court entered a text order on November 4, 2020, notifying Crawford of the deficiency, that the Court would allow him 30 days to provide evidence of exhaustion, and that his motion would be subject to denial without such evidence. ECF No. 304. That text order was mailed to Crawford on November 4, 2020. ECF No. 305. Crawford responded via letter on December 8, 2020, informing the Court he was having difficulty attaining proper documentation of the administrative requirement. *See* ECF No. 306. Crawford does not provide documentation that he has exhausted the administrative process or submitted a request to the warden which has been pending for 30 days. Over a year has passed since the entry of the Court’s order dated November 4, 2020, ECF No. 304, directing Crawford to provide evidence of his compliance with the exhaustion requirement. Crawford has failed to supplement the record with documentation demonstrating he

has complied with the administrative requirement.

Accordingly, because Crawford has failed to respond or provide any documentation that he has satisfied the administrative requirement, his motion, ECF No. 302, is **DISMISSED WITHOUT PREJUDICE**. Because this motion is dismissed without prejudice, Crawford may refile and include the appropriate documentation showing that he has exhausted his administrative remedies. Upon submission of documentation showing (1) exhaustion of administrative remedies, or (2) the lapse of 30 days from the receipt of a request for compassionate release having been submitted to the warden of the facility, this Court will proceed with consideration of a filed compassionate release motion.

IT IS SO ORDERED.

s/ Terry L. Wooten
Senior United States District Judge

January 31, 2022
Columbia, South Carolina